



Department of Toxic Substances Control

Edwin F. Lowry, Director
1011 N. Grandview Avenue
Glendale, California 91201



Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Gray Davis
Governor

May 9, 2002

FINAL CLASS 3 PERMIT MODIFICATION DECISION: EVERGREEN OIL, INC., 6880 SMITH AVENUE, NEWARK, CALIFORNIA (EPA ID NO. CAD980887418)

Dear Interested Parties:

The Department of Toxic Substances Control (DTSC) after considering the comments received on the draft Class 3 Permit Modification, has made a decision to issue the Hazardous Waste Facility Class 3 Permit Modification to Evergreen Oil, Inc., located in Newark, California.

The Class 3 Permit Modification will allow Evergreen Oil, Inc. to:

- 1) Increase the used oil process capacity from 17 to 30 gallons per minute. The total authorized annual throughput for used oil at Newark Facility shall not exceed 15,768,000 gallons.
- 2) Receive, consolidate and store antifreeze in an existing 25,000 gallon Tank 501 D for further transportation and recycling. The annual antifreeze capacity is 750,000 gallons.
- 3) Use of the Mohawk Treatment process in the re-refining process. This involves the addition of sodium hydroxide to the used oil to prevent pipe and equipment fouling.
- 4) Receive used oil without limitation to the water content in the used oil.

In accordance with California Code of Regulations, title 22, section 66270.42(c), DTSC sent a notice of the proposed Class 3 Permit Modification to all persons on the facility mailing list and appropriate units of State and local government. The notification was also published in the Argus newspaper on October 16, 2001.

The public comment period for the proposed Class 3 Permit Modification was from October 16, 2001 to November 30, 2001. On November 15, 2001, a public meeting followed by a public hearing was held at the Newark Silliman Activity Center to receive public comments on the proposed Class 3 Permit Modification. DTSC did receive oral and written comments concerning the proposed Class 3 Permit Modification.

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On December 15, 2000, DTSC filed a Notice of Determination with the State Clearinghouse that documented its use of the City of Newark's Mitigated Negative Declaration in assessing potential impacts associated with the Temporary Authorization approved by DTSC on December 14, 2000. The terms and conditions of this Temporary Authorization have been incorporated into this Class 3 Permit Modification. The environmental assessment conducted for the Temporary Authorization was used by DTSC as the basis for meeting its obligations under CEQA for this Class 3 Permit Modification. Based on this assessment, DTSC concludes that impacts associated with this project would be less than significant.

The Class 3 Permit Modification is issued by DTSC in accordance with the California Code of Regulations, title 22, section 66271.14.

The final Class 3 Permit Modification incorporates requirements for odor abatement control as a result of public comments received on the draft Class 3 Permit Modification and internal review by DTSC staff. Copies of the response to comments are enclosed.

The final Class 3 Permit Modification may be appealed in accordance with California Code of Regulations, title 22, section 66271.18. Any person who filed comments on the draft Permit Modification or who participated in the public hearing on the draft Class 3 Permit Modification may petition the DTSC to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft Permit Modification may petition for administrative review only to the extent of the changes from the draft Permit Modification to the final Permit Modification.

The 30-day period within which a person may request review begins on May 9, 2002 and ends June 10, 2002. The petition must be sent to:

Watson Gin, Deputy Director
Hazardous Waste Management Program
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

With a complete copy to:

Jose Kou, P.E., Chief
Southern California Permitting Branch
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

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The petition shall include a statement of the reasons supporting the request for review, including a demonstration that any issues being raised were raised during the public comment period and when appropriate, a showing that the condition in question is based on:

- 1) a finding of fact or conclusion of law which is clearly erroneous, or
- 2) an exercise of discretion or an important policy consideration which DTSC should review.

Any questions regarding this final Class 3 Permit Modification should be directed to Allan Plaza, Unit Chief at (818) 551-2922.

Sincerely,

ORIGINAL WAS SIGNED BY JOSE KOU

Jose Kou, P.E., Chief
Southern California Permitting Branch
Hazardous Waste Management Program

Enclosures

cc: Mr. J. Voogd, CEO
Evergreen Oil, Inc.
2355 Main Street, Suite 230
Irvine, California 92614-6260

Mr. Kevin Wong
Permit Section
Hazardous Waste Management Division (H-3-2)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105

Mr. Watson Gin
Deputy Director
Hazardous Waste Management Program
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

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cc: Mr. Rick Moss, Chief
Permitting Division
Department of Toxic Substances Control
Hazardous Waste Management Program
P.O. Box 806
Sacramento, California 95812-0806

Ms. Florence Gharibian, Chief
Statewide Compliance Division
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

Mr. Guenther Moskat, Chief
Office of Program Audits and Environmental Analysis
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Mr. Allan Plaza, P.E.
Unit Chief
Department of Toxic Substances Control
Southern California Permitting Branch
1011 North Grandview Avenue
Glendale, California 91201

Mr. Hossein Nassiri
Department of Toxic Substances Control
Hazardous Waste Management Program
P.O. Box 806
Sacramento, California 95812-0806

Mr. Robert Kou, Unit Chief
Statewide Compliance Division
Southern California Region
Hazardous Waste Management Program
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, California 91201

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cc: Mr. Richard Sherwood
Senior Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street
P.O. Box 806
Sacramento, California 95812-0806

Mr. Mike Eshaghian
Department of Toxic Substances Control
Southern California Permitting Branch
1011 North Grandview Avenue
Glendale, California 91201

Ms. Bridget Fitzsenry
Department of Toxic Substances Control
Hazardous Waste Management Program
P.O. Box 806
Sacramento, California 95812-0806

Ms. Patricia Ryan
Public Participation
Department Of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, CA 94710-2721

Mr. Ron Baker
Public Information Officer
Department Of Toxic Substances Control
1001 I Street
PO Box 806
Sacramento, CA 95812-0806

Mr. James Potter
Deputy Attorney General
Department of Justice
300 S. Spring Street
Los Angeles, California 90013

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cc: Mr. Miguel Trujillo
Hazardous Materials Specialist
Newark Fire Department
37101 Newark Blvd.
Newark, California 94560-3796

Mr. Terry D. Carter
Air Quality Engineer II
Permitting Services Division
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

Mr. Bill Wahbeh
Director of Environmental Health and Safety
Evergreen Oil, Inc.
6880 Smith Avenue
Newark, California 94560-4224

Newark Library
6300 Civic Terrace Avenue
Newark, CA 94560

Ms. Jody Sparks
Toxics Assessment Group
P.O. Box 186
Stewarts Points, California 95480

Ms. Trubie Bailey
37767 Manzanita Street
Newark, California 94560

Mr. George Mognaga
6327 Escallonia Drive
Newark, California 94560-4721

The Cerrone Family
38039 Woodruff Drive
Newark, California 94560

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cc: Ms. Lora Gisler
6166 Marguerite Drive
Newark, California 94560

Mr. Thomas Slater
2280 Grouse Way
Union City, California 94587

Ms. Linda Aguilar
c/o Trubie Bailey
7767 Manzanita Street
Newark, California 94560

Mr. Duane Perkins
Evergreen Oil
6880 Smith Avenue
Newark, California 94560-4224

Ms. Jan Crocker
37866 Lobelia Drive
Newark, California 94560

Ms. Kim Perry
6385 Stonecress Ave.
Newark, California 94560

Ms. Joanne Harteall
38996 Larkspur
Newark, California 94560

Ms. Lori Lowe
6135 Marguerite Drive
Newark, California 94560

Ms. Jon Ladeau
6454 Lotos Ct.
Newark, California 94560

Mr. Syed Zaidi
6294 Narcissus Ave.
Newark, California 9456

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cc: Mr. Gus Costas
6290 Rockrose Drive
Newark, California 94560

Mr. Bob Kern
37885 Lobelia Ct.
Newark, California 94560

Mr. Bob Reed
6451 Marguerite Drive
Newark, California 94560

Newark Library
6300 Civic Terrace Avenue